Page 1 of 2

DOCKET NO.: 2007-2038-PST-E **TCEQ ID**: RN102224474 **CASE NO.**: 35110

RESPONDENT NAME: Farmersville Texaco, Inc. dba Farmersville Shell

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINÐINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Convenience sto SMALL BUSINESS:X_Yes OTHER SIGNIFICANT MATTERS: Therefacility location. INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinate	_ No re are no complaints. There is no record of additional and the ED and the Respondent has expressed an interister comment period expired on May 12, 2008. No or: None : Mr. Rajesh Acharya, Enforcement Division, Enfor	al pending enforcement actions regarding this rest in this matter.
Respondent: Mr. Mohammed Cho Texas 75442	with the property of the prope	Jnited States Highway 380 East, Farmersville,

VIOLATION SUMMARY CHART	Γ:	
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED 9001 /
Type of Investigation:	Total Assessed: \$3,200	Corrective Actions Taken:
Complaint X Routine Enforcement Follow-up Records Review	Total Deferred: \$640 X Expedited Settlement Financial Inability to Pay	The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:
Date(s) of Complaints Relating to this Case: None	SEP Conditional Offset: \$0	a. Began maintaining all Stage II records at
Date of Investigation Relating to this Case: October 26, 2007	Total Paid (Due) to General Revenue: \$145 (remaining \$2,415 due in 23 monthly payments of \$105 each)	the Station on December 11, 2007;b. Posted operation instructions on the front of each gasoline dispensing pump on
Date of NOV/NOE Relating to this Case: November 27, 2007 (NOE)	Site Compliance History Classification High X Average Poor	December 11, 2007; and c. Began conducting monthly inspections
Background Facts: This was a routine investigation.	Person Compliance History Classification	of Stage II vapor recovery system on December 11, 2007.
WASTE	High X Average Poor	and the first of the second se
Failed to maintain records at the Station ordinarily manned during business hours, and make them immediately available for review upon request. Specifically, the	Major Source: YesX_ No Applicable Penalty Policy: September 2002	
California Air Resource Board executive order, daily inspection log, Stage II test results, maintenance log, and employee		and the state of t
training records were not available for inspection at the time of the investigation [30 Tex. ADMIN. CODE § 115.246(7)(A) and Tex. Health & Safety Code §		
382.085(b)].		
2) Failed to conduct monthly inspections of the Stage II vapor recovery system [30 Tex. Admin. Code § 115.244(3) and Tex. Health & Safety Code § 382.085(b)].		
3) Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system. Specifically, operating instructions were not observed on dispenser Nos. 1, 2, 5, and 6 at the time of investigation [30 Tex. ADMIN. CODE § 115.242(9) and Tex. HEALTH & SAFETY CODE § 382.085(b)].		

Additional ID No(s).: 41649

Policy Revision 2 (Sep		enalty C	Calculatio	on Worksł	heet (P	•	November 6, 2007
TCEQ DATES Assigned PCW	10-Dec-2007	Saraanina	1 11-Dec-2007	EPA Due		1	
PCW	4-reb-2006	Screening	J 11-Dec-2007	EFA Due			P TO S A COMMOND COMMON CONTRACTOR CON
RESPONDENT/FACILITY	V 7 (27) 7 (2) 1 (17) 1 (2) 1 (2) 2)		ba Farmersville	Shell			- Cap (4)
Reg. Ent. Ref. No.			Da i amiersvine	Ollell			
Facility/Site Region	4-Dallas/Fort V	Vorth		Major/M	inor Source	Minor	
CASE INFORMATION	antanta in a santantantantantantantan	e - Tanana a a a a a a a a a a a a a a a a	·		7 6 6		
Enf./Case ID No.				No. o	of Violations		
	2007-2038-PS		· 		Order Type		
Media Program(s) Multi-Media		rage rank		Ent. C		Rajesh Acharya Enforcement Team 6	
Admin. Penalty \$		\$0	Maximum	\$10,000	LOS ICAIII	Emordement ream o	
			11 0 1 1	1: 0 1:			
				ation Secti	on	www.compensor.com	
TOTAL BASE PENAL	_TY (Sum of	violation	base penalti	es)		Subtotal 1	\$3,000
ADJUSTMENTS (+/-)	TO SUBTO	ΓAL 1					1. 4 1.
Subtotals 2-7 are obtai	ined by multiplying t		enalty (Subtotal 1) b	y the indicated perce			
Compliance Hist	ory		- 0%	6 Enhancement	Subt	otals 2, 3, & 7	\$0
Notes	:	No adjustme	ent due to comp	liance history.			
Culpability	No		0%	6 Enhancement		Subtotal 4	\$0
Notes	The F	Pesnondent d	loes not meet th	ne culpability crite	oria		
Notes	11161	copondent o			ona.]	
Good Faith Effor	t to Comply		10%	6 Reduction		Subtotal 5	\$300
	Before NOV	NOV to EDPF	RP/Settlement Offer	•	rune in Mary masse Arthropic P.R.		
Extraordinary							
Ordinary N/A		(mark with v)					
		(mark with x)				7	
Notes	The Respo	ondent came	into compliance	e on December 1	11, 2007.		
	vinaro nejeckej vajere	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	0.0	6 Enhancement*		Subtotal 6	\$0
	Total EB Amounts Cost of Compliance			ed at the Total EB \$ A	Amount	Cabteta, o_	
Арргох.	Cost of Compliance	\$1,200					
SUM OF SUBTOTAL	S 1-7					Final Subtotal	\$2,700
OTHER FACTORS A	S ILISTICE I	JAV PEOL	IIDE	19%		Adjustment	\$500
Reduces or enhances the Final S				1370		- Aujusunem	Ψ000
Notes	Recommende	ed adjustmer	nt to capture the	avoided cost of	compliance		
Notes		assoc	ciated with the vi	iolation.	•		
	t				Final Pe	nalty Amount	\$3,200
CTATUTODY LIMIT	VD HIGTMEN	- 388 (1850	usining i pagamani	n Nava sa na sa kasa			¢2 200
STATUTORY LIMIT	ADJUS I WIEN				Final Ass	essed Penalty	\$3,200
DEFERRAL				20%	Reduction	Adjustment	-\$640
Reduces the Final Assessed Per	nalty by the indicted	percentage. (E	nter number only; e.	.g. 20 for 20% reduct	tion.)	1	
Notes		Deferral offe	ered for expedite	ed settlement.			
DAVABLE SELLI	era in latina in la					renderi (2013)	
PAYABLE PENALTY							\$2,560

Screening Date 11-Dec-2007 Docket No. 2007-2038-PST-E		
Respondent Farmersville Texaco, Inc. dba Farmersville Shell	Policy I	Revision 2 (Septer
Case ID No. 35110	· ·	Revision Novem
g. Ent. Reference No. RN102224474	tradición de la composición dela composición de la composición de la composición de la composición dela composición dela composición dela composición de la composición dela composición	X107144
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Rajesh Acharya		
Compliance History Worksheet	and Community (1997) Kan diagram (1998) (1997)	
pliance History Site Enhancement (Subtotal 2)	100000	ealing A
Component Number of Written NOVs with same or similar violations as those in the current enforcement action.	Enter Number Here	Adjust.
NOVs (number of NOVs meeting criteria)	n O	0%
Other written NOVs	- 0	0%
Any agreed final enforcement orders containing a denial of liability (number of order meeting criteria)	s 100 100 100 100 100 100 100 100 100 10	0%
Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a deni of liability, or default orders of this state or the federal government, or any final prohibito emergency orders issued by the commission		0%
Any non-adjudicated final court judgments or consent decrees containing a denial of liabili of this state or the federal government (number of judgements or consent decrees meetin criteria)		0%
Any adjudicated final court judgments and default judgments, or non-adjudicated final could judgments or consent decrees without a denial of liability, of this state or the feder government	ırt al 0	0%
Convictions Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions Chronic excessive emissions events (number of events)	0	0%
Letters notifying the executive director of an intended audit conducted under the Texa Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Disclosures of violations under the Texas Environmental, Health, and Safety Audit Priviles Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	je 0	0%
	ease Enter Yes or No)
Environmental management systems in place for one year or more	No	0%
Voluntary on-site compliance assessments conducted by the executive director under special assistance program	a No	0%
Participation in a voluntary pollution reduction program	No	0%
Early compliance with, or offer of a product that meets future state or federal governme environmental requirements	nt No	0%
Adjustment	Percentage (S	Subtotal 2)
		at in the second of the second
eat Violator (Subtotal 3)	bishar fisala sekebah	Medicine Calif
No Adjustment	Percentage (S	Subtotal 3)
pliance History Person Classification (Subtotal 7)		
Average Performer Adjustment	Percentage (S	Subtotal 7)
pliance History Summary		
Compliance History Notes No adjustment due to compliance history.		
Total Adjustment Percentag	je (Subtotals	_ 2, 3, & 7)

Screening Date	11-Dec-2007	Docket	No. 2007-2038-PST-E	PCW
	t Farmersville Texaco, Inc	. dba Farmersville Shel	ŀ	Policy Revision 2 (September 2002)
Case ID No.				PCW Revision November 6, 2007
Reg. Ent. Reference No.			•	
	Petroleum Storage Tank			
Enf. Coordinator				
Violation Number	1 1			
Rule Cite(s	30 Tex. Admin. Code ६	§ 115.246(7)(A) and Te	x. Health & Safety Code § 382.08	35(b)
Violation Description	make them immediately Air Resource Board	/ available for review up executive order, daily i	rily manned during business hour con request. Specifically, the Cali nspection log, Stage II test result s were not available for inspection stigation.	fornia s,
			Base P	enalty \$10,000
>> Environmental, Property	and Human Héalth M	atrix		
	Harm			
OR Release		Minor		
OR Actua Potentia			Percent 0%	
Potentia	' <u> </u>		reitein 076	
>>Programmatic Matrix				
Falsification	Major Moderate	Minor		
7 20 000	X		Percent 10%	
Matrix Notes	100% of t	the rule requirement wa	s not met.	
	The state of the s			\$9,000
Francisco (International December 2015)	2 6 A		Adjustment	\$9,000
				\$1,000
Violation Events	- 1 是是黃色星旗 [2]			
Number of Vi	iolation Events 1		7 Number of violation days	
Number of Vi	iolation Events 1	<u> </u>	Number of violation days	
	daily			
000000000000000000000000000000000000000	monthly			
mark only one	quarterly		Violation Base F	Penalty \$1,000
with an x	semiannual			
	annual			
	single event x			
One single	event is recommended ba		of the violation during the Octobe	er 26,
		2007 investigation.	1	
Economic Benefit (EB) for the	is violation		Statutory Limit Test	
Estimata	ed EB Amount	\$3	Violation Final Penalt	y Total \$1,067
Estimate	u LD AIIIOUIII		VIOIALIUH FIIIAI FEIIAIL	y i Otai
		This violation Final A	Assessed Penalty (adjusted for	limits) \$1,067

Reg. Ent. Reference No.	RN102224474				1.5	ASSESSED A	1.79.3
Media Violation No.	Petroleum Stor 1	age Tank			and the second second second second	Percent Interest	Years of Depreciation
	1.089%		72 Apr 110	6/2	Charles I a	5.0	15
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	100 commagni w				CHICLIPPI LASIFE I (DIC.		
Delayed Costs						Allegan Com	4 18 25
Equipment		Parassa a seco		0,0	\$0	\$0	\$0
Buildings		Land Color of the		0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	26-Oct-2007	11-Dec-2007	0,1	\$3	n/a	\$3
Training/Sampling			4 19 4 ESTE 1326	0.0	\$0	n/a	\$0
Remediation/Disposal			An agreement on the same of the same of the	0.0	\$0	n/a	\$0
Permit Costs		ان درد د درها هم پر د بدر درود		0,0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	Estimated co	st to maintain Stag				tion date. Final Date	is the date of
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment	an control	•	\$1	ntering 0,0 0,0 0,0 0,0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	an control	•	\$1	ntering 0,0 0,0 0,0 0,0 0,0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	an control	•	ed costs before e	ntering	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	an control	•	ed costs before e	ntering 0,0 0,0 0,0 0,0 0,0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date 1		Docket No. 2007-2038	-PST-E	PCW
	Farmersville Texaco, Inc. dba Farmer	sville Shell	•	evision 2 (September 2002)
Case ID No. 3 Reg. Ent. Reference No. R			PCW F	Revision November 6, 2007
in a contract to the second of the contract o	Petroleum Storage Tank			
Enf. Coordinator R				
Violation Number	2		_	
Rule Cite(s)	30 Tex. Admin. Code § 115.244(3	3) and Tex. Health & Safety 0	Code § 382.085(b)	300
				Acetopopo
Violation Description	Failed to conduct monthly inspe	ections of the Stage II vapor I	ecovery system.	
			Base Penalty	\$10,000
>> Environmental, Property an	nd Human Health Matrix			
Environmental, 1 roperty an	Harm			
Release	Major Moderate Minor			
OR Actual Potential	X	Percent	10%	*
Totol Mail			1070	
>>Programmatic Matrix				
Falsification	Major Moderate Minor	Percent	00/	
		Percent	0%	
	or the environment will or could be e eed levels that are protective of hum the vic	an health or environmental re		
	- De Constant Constant	Adjustment	\$9,000	1 - 12
Control of the contro		Aujustiicii	Ψ0,000]	i sa w.
www.			aranood.	\$1,000
Violation Events				
Number of Viola	ation Events 1	47 Number of	violation days	
mark only one with an x	daily monthly quarterly x semiannual	v	iolation Base Penalty	\$1,000
	annual single event			
One quarterly e	event is recommended from the inve date of Decen	<u>-</u>	2007 to the screening	
Economic Benefit (EB) for this	violation	Statutor	y Limit Test	
Estimated I	EB Amount \$	109 Violatio	on Final Penalty Total	\$1,067
	This viola	tion Final Assessed Penalt	v (adjusted for limits)	\$1,067
December 1			, (,,,,,,, .	7.,,50,

Case ID No. 3	35110	xaco, Inc. dba Fan	mersville Shell			* ***	
Reg. Ent. Reference No. F Media F Violation No. 2	Petroleum Stora	age Tank				Percent Interest	Years of Depreciation
					5 16 5	5,0	15
Item Description	Item Cost No commas or \$	Date Required	Final Date		Interest Saved	Onetime Costs	EB Amount
Delayed Costs	inidase e 1000.				Provident		eli maka maka sa
Equipment				0,0	\$0	\$0	\$0
Buildings	Print and the second	francisco de la	Same and the	0,0	\$0	\$0	\$0
Other (as needed)		, Alan San San San San San San San San San S		0.0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land				0,0	\$0	i ∮ i⊷n/a	\$0
Record Keeping System				0.0	\$0	⇔ilu n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)				0.0	.e.t 5 \$ 0	n/a	\$0,,
Notes for DELAYED costs				ieten denste	in rein		
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before e			one-time avoided c	
Disposal		and the second second		0.0	\$0	\$0 *0	\$ 0
Personnel	0 500	00 022 0007	- 44 D-+ 0007	0.0	\$0 05	\$0 \$404	\$0
Inspection/Reporting/Sampling	\$500	26-Sep-2007	11-Dec-2007	0.2	, \$ 5	\$104	\$109
	1 2	5.402		0.0	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment	T-2000 1111			0.0	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2]	The figure of the body				DU.		
		a constant some	407.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	0.0	\$0	\$0	\$0

Respondent Famersville Texaco, Inc. dba Famersville Shell Case ID No. 35110 PCW Revision Neverber 5, 2007 Reg. Ent. Reference No. RN10224474 Media [Statute] Petroleum Storage Tank Enf. Coordinator Rajeah Achanya Violation Number Rule Cite(s) Falled to post operating instructions conspicuously on the front of each gasoline dispersing pump equipped with a Stage II vapor necovery system. Specifically, operating instructions were not observed on dispenser Nos. 1, 2, 5, and 6 at the time of the Investigation Statute Cite(s) Falled to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor necovery system. Specifically, operating instructions were not observed on dispenser Nos. 1, 2, 5, and 6 at the time of the Investigation Release Major Moderate Human Health Matrix Release Major Moderate Minor Percent 0% *** **Programmatic Matrix* ** ** ** ** ** ** ** ** **	Screening Date	11-Dec-2007		Docket No. 2007-203	8-PST-E	PCW
Reg. Ent. Reference No. RN10224474 Media [Statuta] Petroleum Storage Tank Enf. Coordinator Rajean Actarya Violation Number 3	Responden	t Farmersville Te	exaco, Inc. dba Farmersvill	le Shell	Policy Re	vision 2 (September 2002)
Media (Statuta) Petroleum Storage Tank Enf. Coordinator Rejeth Acharya Violation Number Rule Cite(s) 30 Tex. Admin. Code § 115.242(9) and Tex. Health & Safety Code § 382.085(b) Failed to post operating instructions conspicuously on the front of each gasoline Violation Description Violation Description Statutory and Human Health Matrix Harm Release Major Moderate Minor Actual Potential Percent 10% >>Programmatic Matrix Faibification Major Moderate Minor Actual Potential Number of Violation Events One quarteriy event is recommended from the investigation date of October 26, 2007 to the screening date of December 11, 2007. Estimated EB Amount 1 1, 2007.	Case ID No	. 35110			PCW F	Revision November 6, 2007
Filed to post operating instructions were not observed or dispensely to statutory. Health & Safety Code § 382,085(b)	Reg. Ent. Reference No	. RN102224474				
Violation Number Rule Cite(s) 30 Tex. Admin. Code § 115.242(9) and Tex. Health & Safety Code § 382.085(b) Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system. Specifically, operating instructions were not observed on dispenser Nos. 1, 2, 5, and 6 at the time of the investigation. Base Penalty \$10,000 Separation Base Penalty \$10,000 S	Media [Statute]	Petroleum Stora	age Tank			
Rule Cite(s) 30 Tex. Admin. Code § 115.242(9) and Tex. Health & Safety Code § 382.085(b) Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system. Specifically, operating instructions were not observed on dispenser Nos. 1, 2, 5, and 6 at the time of the investigation. Base Penalty \$10,000 **Environmental, Property and Human Health Matrix* Harm Release Major Moderate Minor Actual Potential X Percent 10% **Percent 0% Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** **Sp.000 **Violation Events** Number of Violation Events* Number of Violation Events* One quarterly event is recommended from the investigation date of October 26, 2007 to the screening date of December 11, 2007. **Economic Benefit (EB) for this violation Statutory Limit Test **Estimated EB Amount** **Yiolation Final Penalty Total** **Yiol			a			
Violation Description Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system. Specifically, operating instructions were not observed on dispenser Nos. 1, 2, 5, and 6 at the time of the investigation. Base Penalty \$10,000 **Programmatic Matrix** Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** **Number of Violation Events** Number of Violation Events** Number of Violation Events** **Number of Violation Events** **Number of Violation Events** One quarterly event is recommended from the investigation date of October 26, 2007 to the screening date of December 11, 2007. **Economic Benefit (EB) for this violation** **Statutory Limit Test** Violation Final Penalty Total** **Statutory Limit Test**			•			
Violation Description Comparison Compar	Rule Cite(s	30 Tex. Adı	min. Code § 115.242(9) a	nd Tex. Health & Safety	Code § 382.085(b)	2000
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor	Violation Description	dispensing pum	np equipped with a Stage I were not observed on dis	II vapor recovery system penser Nos. 1, 2, 5, and	. Specifically, operating	
Harm Release Major Moderate Minor Actual					Base Penalty	\$10,000
Harm Release Major Moderate Minor Actual	S. Engironmental Bronarty	and Uuman U	laalth Matrix			4
Release Major Moderate Minor Actual X Potential X Potential X Palsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$9,000 Violation Events Number of Violation Events 1 47 Number of violation days daily monthly quarterly was amanual semannual semannual single event One quarterly event is recommended from the investigation date of October 26, 2007 to the screening date of December 11, 2007. Economic Benefit (EB) for this violation Estimated EB Amount \$1 Violation Final Penalty Total \$1,067	>> Environmental, Property	anu numan n	7 (100 (100 XXX) (100 (100 (100 (100 (100 (100 (100 (10			
Potentia	Release	e Major		_		
>>Programmatic Matrix Falsification Major Moderate Minor Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$9,000 \$1,000 Violation Events Number of Violation Events Number of Violation Events Adjustment					,	
Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$9,000 \$1,000 Violation Events Number of Violation Events 1 47 Number of violation days daily monthly quarterly x semiannual semiannual single event	Potentia	ıl L	x	Percent	10%	
Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$9,000 \$1,000 Violation Events Number of Violation Events 1 47 Number of violation days daily monthly quarterly x semiannual semiannual single event	>> Des avagementis Matrix					
Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$9,000 \$1,000 Violation Events Number of Violation Events 1 47 Number of violation days daily	3.7	Maior	Moderate Minor	4 7 2 4		
Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment	7 disilication	1 Iviajoi	William William	Percent	0%	4 .
Would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$9,000 \$1,000 Violation Events Number of Violation Events 1 47 Number of violation days daily monthly quarterly x semiannual single event	1 / 1 ·	<u> </u>		ji		
Violation Events Number of Violation Events 1	Matrix would not e		are protective of human h	nealth or environmental i		Age of the second of the secon
Violation Events Number of Violation Events 1				Adiustman	000 02	
Number of Violation Events Number of Violation Events 1				Aujustinen	\$9,000	1 A
Number of Violation Events 1 47 Number of violation days daily					[\$1,000
daily monthly quarterly x Violation Base Penalty \$1,000 Statutory Limit Test Statutory Total St	Violation Events					
daily monthly quarterly x Violation Base Penalty \$1,000 Statutory Limit Test Statutory Total St	Number of V	iolation Events	1 1	Number of	f violation days	
monthly quarterly semiannual annual single event One quarterly event is recommended from the investigation date of October 26, 2007 to the screening date of December 11, 2007. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,000	Number of V	iolation Events		47 Inumber of	ii violation days	
monthly quarterly semiannual annual single event One quarterly event is recommended from the investigation date of October 26, 2007 to the screening date of December 11, 2007. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,000		daily				
Semiannual annual annual single event and single event annual sing		4 (2)				
One quarterly event is recommended from the investigation date of October 26, 2007 to the screening date of December 11, 2007. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,067	-	quarterly	X	•	/iolation Base Penalty	\$1,000
One quarterly event is recommended from the investigation date of October 26, 2007 to the screening date of December 11, 2007. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,067	with an x					n included a second
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			This violation	r Final Assessed Penal	ty (adjusted for limits)	\$1,067

Case ID No.	35110	exaco, Inc. dba Farr			3) -		
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Wedia Violation No.	Petroleum Stora 3	age rank				Percent Interest	Years of Depreciation
	61.00	96.44	r Rall and			5.0	15
na de la compositación de	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Other (as needed)			ALTERNATION OF THE PROPERTY OF	0.0	\$0 1 July 1	\$0	\$0
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Land				0.0	\$0	- n/a	\$0
Record Keeping System	and distribution		The William Properties to	0.0	\$0	∴ n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
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Compliance History

Custome	r/Respondent/Owner-Operator:	CN601189319	Farmersville Texaco, Inc.	•	Classification: AVERAGE	Rating: 2.33
Regulate	d Entity:	RN102224474	FARMERSVILLE SHELI	L	Classification: AVERAGE	Site Rating: 2.33
ID Numb	er(s):	PETROLEUM ST REGISTRATION		REGISTE	RATION	41649
Location:			Y 380 E, FARMERSVILLE,	TX, 75442	Rating Date: 9/1/2007 Repe	at Violator: NO
TCEQ R	egion:	REGION 04 - DF	W METROPLEX	<u></u>		
Date Cor	mpliance History Prepared:	December 19, 20	07			
Agency [Decision Requiring Compliance History:	Enforcement				
Compliar	nce Period:	December 19, 20	02 to December 19, 2007			
TCEQ St	aff Member to Contact for Additional Info	rmation Regarding t	his Compliance History		•	
Name:	Rajesh Acharya	Ph	one: (512) 239-0577	7		
		Site C	ompliance History Cor	nponents		
1. Has th	e site been in existence and/or operation	for the full five year	compliance period?	Yes		
	ere been a (known) change in ownership	of the site during th	ne compliance period?	No		•
	who is the current owner?			N/A		
4. if Yes	, who was/were the prior owner(s)?			N/A		
5. When	did the change(s) in ownership occur?			N/A		
Compo	nents (Multimedia) for the Site :	•				
Α.	Final Enforcement Orders, court judger	ments, and consent	decrees of the state of Texa	as and the feder	al government.	•
	N/A			*		
В.	Any criminal convictions of the state of	Texas and the fede	ral government.			
υ.	N/A					
C.	Chronic excessive emissions events.		e e			
	N/A					
D.	The approval dates of investigations. (4 1 11/26/2007 (599417)	CCEDS Inv. Track. I	No.)			
E.	Written notices of violations (NOV). (Co	CEDS Inv. Track. No	o.)			
F.	Environmental audits.					
G.	Type of environmental management sy	/stems (EMSs).				
	N/A					
H.	Voluntary on-site compliance assessm	ent dates.			•	
	N/A		• •			
1.	Participation in a voluntary pollution re-	duction program.				
•	N/A					
J.	Early compliance.					
	N/A					
Sites Ou	tside of Texas					
	N/A					

R. J. Carlotte

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
FARMERSVILLE TEXACO, INC. DBA	§	
FARMERSVILLE SHELL	§	
RN102224474	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-2038-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Farmersville Texaco, Inc. dba Farmersville Shell ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a convenience store with retail sales of gasoline at 304 United States Highway 380 East in Farmersville, Collin County, Texas (the "Station").
- 2. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 2, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

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6. An administrative penalty in the amount of Three Thousand Two Hundred Dollars (\$3,200) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Forty-Five Dollars (\$145) of the administrative penalty and Six Hundred Forty Dollars (\$640) is deferred contingent upon the Respondent timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Two Thousand Four Hundred Fifteen Dollars (\$2,415) of the administrative penalty shall be payable in 23 monthly payments of One Hundred Five Dollars (\$105) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:
 - a. Began maintaining all Stage II records at the Station on December 11, 2007;
 - b. Posted operation instructions on the front of each gasoline dispensing pump on December 11, 2007; and
 - c. Began conducting monthly inspections of Stage II vapor recovery system on December 11, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Station, the Respondent is alleged to have:

- 1. Failed to maintain records at the Station ordinarily manned during business hours, and make them immediately available for review upon request, in violation of 30 Tex. ADMIN. CODE § 115.246(7)(A) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on October 26, 2007. Specifically, the California Air Resource Board executive order, daily inspection log, Stage II test results, maintenance log, and employee training records were not available for inspection at the time of the investigation.
- 2. Failed to conduct monthly inspections of the Stage II vapor recovery system, in violation of 30 Tex. ADMIN. Code § 115.244(3) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on October 26, 2007.
- 3. Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system, in violation of 30 Tex. ADMIN. CODE § 115.242(9) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on October 26, 2007. Specifically, operating instructions were not observed on dispenser Nos. 1, 2, 5, and 6 at the time of investigation.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Farmersville Texaco, Inc. dba Farmersville Shell, Docket No. 2007-2038-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

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Farmersville Texaco, Inc. dba Farmersville Shell DOCKET NO. 2007-2038-PST-E Page 4

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
- 3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 Tex. ADMIN. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

TOER ENFORCEMENT

Fax: 512-239-0134

Apr 24 2000

Farmersville Texaco, Inc. dba Farmersville Shell DOCKET NO. 2007-2038-PST-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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or the Executive Director

For the Commission

0102 5/5/2008 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

A negative impact on compliance history;

Greater scrutiny of any permit applications submitted;

Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;

Increased penalties in any funire enforcement actions;

· Automatic referral to the Attorney General's Office of any future enforcement actions; and

• TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Similature

:

Mounny en S. Chul

Name (Printed or typed)

Authorized Representative of

Farmersville Texaco, Inc. dba Farmersville Shell

Instructions: Send the original signed Agreed Order with penalty payment to the Financial Admir stration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.